

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KARINA MOSCOSO / KARINA'S DAYCARE, SPA 2009-MA-029 Appl. under Sect(s). 8-305 of the Zoning Ordinance to amend SP 2009-MA-029 previously approved for a home child care facility to permit an increase in the number of children. Located at 6708 Edsall Rd., Springfield, 22151, on approx. 15,222 sq. ft. of land zoned R-3. Mason District. Tax Map 71-4 ((5)) (18) 7. (\*AD\*) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 5, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 15,222 square feet.
4. Staff has recommended approval of this application. The Board supports that recommendation with the additional development conditions, as outlined by Mr. Hart.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Karina Moscoso / Karina's Daycare only and is not transferable without further action of the Board, and is for the location indicated on the application, 6708 Edsall Road., and is not transferable to other land.\*
2. This special permit is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Permit (SP) plat titled "Special Exception Plat, Lot 7, Block 18, Section Three, Edsall Park" prepared by William E. Ramsey, L.S., dated April 2, 2009, as revised through May 28, 2014 by Karina Moscoso, and approved with this application, as qualified by these development conditions.\*

3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE USE** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.\*
4. The maximum hours of operation of the home child care facility shall be limited to 6:00 a.m. to 6:30 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The number of non-resident assistants shall be limited to two.
7. All pick-up and drop-off of children shall take place along Cather Road. No pick-up or drop-off activities shall occur in the driveway fronting Edsall Road.
8. The dwelling that contains the child care facility shall be the primary residence of the applicant.\*
9. There shall be no signage associated with the home child care facility.\*
10. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.
11. The applicant shall ensure adequate emergency egress is provided throughout the duration of the home child care. The applicant shall not replace the door interrupting access to the basement unless additional emergency egress has been established in the sleeping area.
12. The shed located in the rear yard shall be locked during the hours of operation of the home child care facility.
13. The deck shall not be used by any of the children until such time as it has been inspected.

**\*Indicates previously adopted conditions**

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Smith and Ms. Theodore were absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals